



for the
Texas Juvenile Justice Department

Second Quarter Report FY21

December 1, 2020 to February 28, 2021

INTRODUCTION

This is the second quarterly report for Fiscal Year (FY) 2021 to be submitted by the Office of the Inspector General (OIG) for the Texas Juvenile Justice Department (TJJD). This report is prepared in accordance with the requirements of Section 242.102 (2) (b) & (c) of the Texas Human Resources Code. According to that statute, this report shall be delivered to the Board, the Executive Director, Advisory Board, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the standing committees of the Senate and House of Representatives with Primary Jurisdiction (Senate Criminal Justice, House Juvenile Justice & Family Issues), the State Auditor, and the Comptroller. Per statute, this report contains public information and shall be posted on the Texas Juvenile Justice Department's website. This report does not include all dispositions of criminal and administrative investigations, but rather only those resolved in this quarter.

STRATEGIC INTENT

The Office of the Inspector General (OIG) was established by the Texas Legislature for the purposes of investigating criminal and delinquent conduct in state operated facilities and programs. This includes contract care facilities that provide residential and therapeutic care for the juvenile offenders under court ordered supervision of the TJJD. This also includes parole services once the juvenile offenders are discharged from secure custody. The OIG also operates a 24-hour hotline, known as the Incident Reporting Center (IRC) for calls, complaints, and inquires for the TJJD. The mission and scope of the OIG has grown over the years to include fugitive apprehension, canine narcotics detection teams, and a gang & security intelligence group. In April 2018, the OIG began to operationalize a request of the TJJD Executive Director and other state leadership, by creating a uniformed team of security professionals dedicated to conducting entry searches and exterior perimeter patrols at the five state operated secure facilities. Then in May of 2018, the Executive Director of TJJD also returned the administrative investigations team to the OIG. That team, which is responsible for investigating abuse, neglect, and exploitation at juvenile facilities and programs in Texas, was moved from under the direction of the Office of General Counsel. In order to achieve these missions, the OIG has commissioned peace officers, investigators, and other staff geographically dispersed throughout the state.

EXECUTIVE SUMMARY

During this reporting period, the Office of the Inspector General received a total of 10939 calls, complaints, and reports at the Incident Reporting Center, which is an 121% increase from the 4941 calls, complaints, and reports received during Q2 FY20. From those calls, OIG opened a total of 364 criminal investigations and closed 343 cases. The number of investigations opened, dropped by approximately 9% from a Q2 FY20 total of 398 cases. Finally, it can be observed that 346 fewer investigations were closed in the Q2 FY21 reporting period, which represents a 50% decrease.

During the second quarter reporting period, there have been some changes in the prosecution data involving OIG investigations. In Q2 FY21, OIG submitted a total of 87 cases for review compared to 117 in Q2 FY20; a 26% decrease. All of the 87 cases were submitted to the Special Prosecutions Unit for consideration of criminal charges. Some other significant differences between the two fiscal years are decreases in the number of indictments and convictions. In Q2 FY21, OIG learned of 34 indictments compared to 51 in Q2 FY20. OIG also received notice of 21 convictions in Q2 FY21 versus 90 in Q2 FY20. As it relates to dismissals, the number decreased from 15 in Q2 FY20 to 1 in Q2 FY21. Finally, the number of case declinations remained the same; 14 in Q2 FY20 and 14 Q2 FY21.

There have also been some significant differences in arrest information as well as the directives to apprehend issued by the TJJD, and the number of juvenile offenders apprehended. In this reporting period, the OIG made 61 criminal charge arrests against 33 persons as compared to 101 criminal charge arrests against 101 persons in Q2 FY20. There were two apprehensions of juvenile offenders on TJJD issued directives in Q2 FY21 compared to zero in Q2 FY20. The number apprehended by other law enforcement agencies decreased from 77 in Q2 FY20 to 35 in this reporting period.

During the reporting period, the county investigative team opened 80 abuse, neglect, and exploitation investigations. These include 36 restraint related abuse investigations, six non-restraint related investigations, three Serious Physical Abuse investigations, 18 Sexual Contact & Non-contact Abuse investigations, and 13 Supervisory Neglect investigations. The team completed 73 cases within the second quarter. The average number of days from opening of the case to disposition was 44. During that same time period, they also received a total of 581 grievances regarding local and contract care juvenile facilities or programs. The team also received 105 Serious Incident reports including two Escapes, one Attempted Escape, one Escape from Furlough, 26 Attempted Suicides, 17 Reportable Injuries, 48 incidents of Youth-on-Youth Sexual Conduct and nine reported incidents of Youth-on-Youth Physical Assaults at county or county – contracted facilities.

OPERATIONAL ACTIVITIES

In the area of criminal and county investigations, the OIG's investigative resources are focused on a small number of key areas. Some of the main case types include sexual abuse, narcotics & contraband, abuse of office (excessive use of force), felonious assaults, gang intelligence, and administrative abuse, neglect, or exploitation. In the area of sexual abuse investigations, particularly in cases involving allegations made against staff, OIG continues to see the vast majority of complaints called into the Incident Reporting Center are fraudulent or false. During interviews of the juvenile offenders that made these calls into the "hot-line," offenders routinely admitted they were lying to either get the Youth Development Coach (YDC) or staff removed from a direct care role, or because of some official action taken by a public servant against the offender. Body worn cameras have greatly assisted investigators in reviewing these cases and finding evidence to either substantiate the allegations or exonerate the wrongfully accused.

Sexual Abuse Investigations Q2 FY20						Sexual Abuse Investigations Q2 FY21					
County	Evins	Gaines.	Giddings	Mart	Ron Jackson	County	Evins	Gaines.	Giddings	Mart	Ron Jackson
5	4	4	9	7	14	18	3	3	12	1	12

County numbers include pre-and post-adjudication facilities as well as the following reporting categories: Sexual Abuse – Contact and Sexual Abuse – Non-contact

State numbers include staff and juvenile offender sexual misconduct including contact and non-contact.

Q2FY21 Disposition by Case Type; Sexual Abuse (PREA)				
STATE				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
5	0	0	26	31
COUNTY				
Sexual Abuse - Contact				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
0	0	2	5	7
Sexual Abuse - Non-Contact				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
1	0	1	5	7

In the area of abuse of office and excessive use of force investigations, OIG continues to see a reduction in the number of complaints throughout juvenile facilities in Texas.

Abuse of Office Investigations Q2 FY20						Abuse of Office Investigations Q2 FY21					
County	Evins	Gaines.	Giddings	Mart	Ron Jackson	County	Evins	Gaines.	Giddings	Mart	Ron Jackson
76	3	5	1	2	2	45	1	1	4	3	1

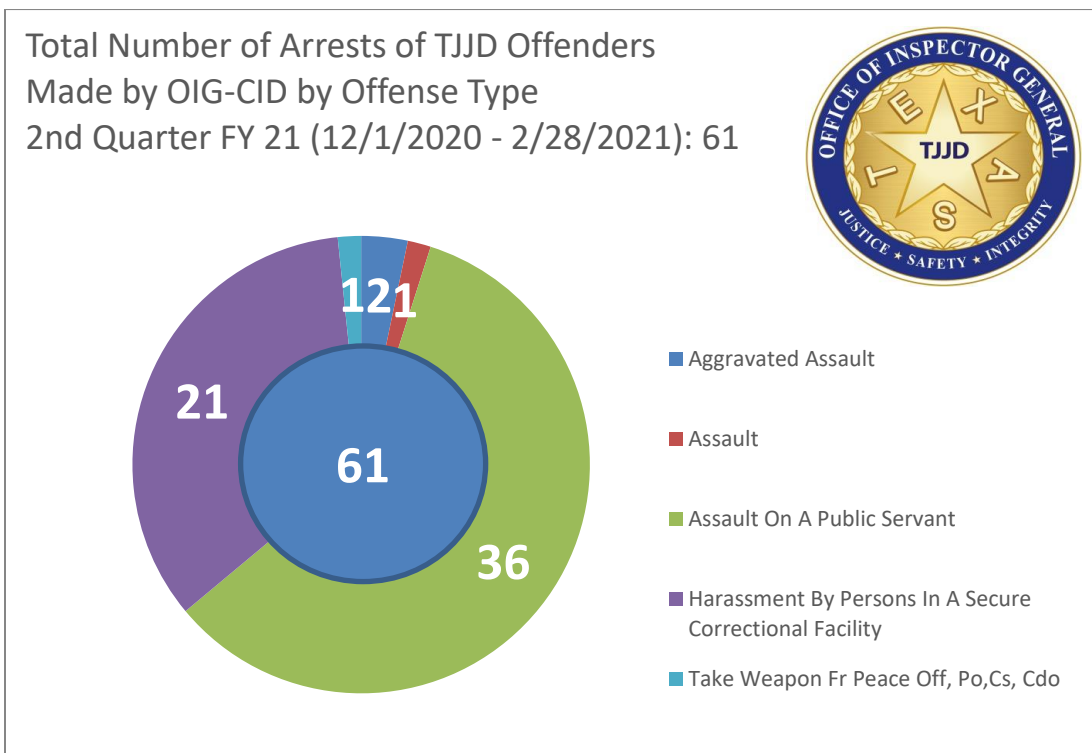
County numbers include pre- and post-adjudication facilities as well as the following reporting categories of information: Physical Abuse – Mechanical Restraint, Physical Abuse – Non-restraint, Physical Abuse – Physical Restraint, and Serious Physical Abuse.

Q2FY21 Disposition by Case Type; Abuse of Office (UoF)				
STATE				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
2	0	1	36	39
COUNTY				
Serious Physical Abuse				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
0	0	0	2	2
Physical Abuse - Non-Restraint				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
4	0	1	5	10
Physical Abuse - Mechanical-Restraint				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
0	0	0	0	0
Physical Abuse - Physical-Restraint				
Confirmed	Exonerated	Unable To Determine	Unfounded	Total
4	0	0	17	21

The majority of investigations of alleged abuse, neglect, and exploitation (ANE) in county operated departments, programs and facilities are conducted by investigators operating out of the Austin area; therefore, they must travel to the various locations across the state to conduct in-person interviews. There were no on-site investigations conducted in Q2 FY21, which is a significant decrease from the 28 conducted in Q2 FY20.

State numbers include staff official oppression cases including excessive use of force or assault type offenses.

In the area of arrests and charges filed by OIG investigators on juvenile offenders at the state facilities during the reporting period, the majority of the charges filed were for felonious Assault on a Public Servant. That offense category accounted for about 59% (36 of 61) of the arrests made, or charges filed. The next most frequent offense charge was for Harassment by Persons in a Secure Correctional Facility, with 21 of the 61 arrests being for that offense.



OFFICER DISCIPLINE

The OIG conducts abuse, neglect, and exploitation investigations on behalf of the TJJD as required in Texas statutes. The majority of these investigations involve alleged perpetrators employed, licensed, contracted with, or volunteering with local juvenile justice departments or alternative education programs in Texas. As of the publishing of this report, there are 5,997 officer certifications on file with the TJJD, which includes 2,422 Juvenile Probation Officers; 3,459 Juvenile Supervision Officers and 116 Community Activities Officers.

During this reporting period, 24 certified officer disciplines were finalized. These investigations were completed by OIG and referred to the Office of General Counsel (OGC) for action, or the TJJD Board took some formal action on the disposition of previously referred investigations. Of

those disciplinary actions, 13 involved investigations of abuse, neglect, or exploitation at pre-adjudication facilities, 10 stemmed from investigations at secure post-adjudication facilities and one investigation was conducted at a non-secure facility. The 24 disciplinary actions involved one investigation of Sexual Abuse Non-contact and one Sexual Abuse Contact investigation. Six involved Supervisory Neglect investigations and 12 Physical Abuse allegations stemming from physical restraints, two of which were Physical Abuse Non-Restraints related, one Serious Physical Abuse, and one Firearm Related. Of the 24 finalized disciplinary actions, seven resulted in the revocation of the officers' certifications, three officers received six-month suspensions, five received one-year suspensions, one received an 18-month suspension, and eight received two-year suspensions by the TJJD board.

Regarding state regulated secure facilities, 13 investigations were completed by OIG and referred to the Human Resources Department within TJJD. Of those dispositions, five involved abuse and eight neglect cases. Disciplinary action was taken in 12 of the 13 cases. Five resulted in terminations, one written reprimand; one received a 3-month probation term, four received 12-month probation terms, and one suspension without pay.

FRAUD, WASTE, and ABUSE

During this reporting period, OIG opened one fraud, waste, and abuse program (FWAP) investigation arising from alleged misconduct. Pursuant to the requirements of the Texas Government Code, OIG forwarded the allegation to the State Auditor's Office (SAO) and the Office of the Internal Auditor for the TJJD for their review. This investigation involved an allegation of tampering with a government record. This investigation has been closed as unfounded.

TRENDS

During the 2nd quarter of FY 2021, the OIG opened fewer criminal investigations as compared to the previous quarter as well as the previous fiscal year. There has been an increase in the number of investigations stemming from assaultive behaviors directed against employees as compared to the first quarter of this fiscal year. This also an increase from the same quarter in fiscal year 2020. It should be noted OIG submitted more investigations for prosecution, though OIG learned of fewer indictments, convictions, dismissals, and declinations in Q2 FY21.

The number of sexual abuse investigations at state secure facilities has remained consistent. The number at Ron Jackson however, is consistent with 1st quarter as well, which was 12. Ron Jackson and Giddings facilities had the highest number of criminal sexual abuse cases investigated, with numbers three to four times that of other facilities. It should be noted the majority of the allegations investigated involve sexual contact or inappropriate conduct between juvenile offenders in those facilities. If the conduct is sustained following the OIG investigation, these cases are referred to the Special Prosecutions Unit for consideration and the local facility PREA committee.

SIGNIFICANT INVESTIGATIONS

In January of 2021, OIG personnel from Regions 1 and 2 opened an extensive investigation of an adult registered sex offender who was communicating with several TJJD committed juveniles and offenders. OIG personnel learned this convicted felon attempted to encourage some female offenders to leave their respective placements to be with him. Reportedly, John Jay Ivy, 63 YOA, of Pecos, Texas was in contact with TJJD committed juvenile offenders at a halfway house and one of the secure state juvenile correctional complexes. Ivy was previously incarcerated in the Texas Department of Criminal Justice and is a lifetime sex offender registrant. This investigation revealed some previously unreported criminal offenses, and OIG personnel obtained arrest and search warrants on March 17, 2021. On March 18, 2021, OIG personnel coordinated with the Pecos Police Department to execute the arrest and search warrants.

On March 25, 2021, OIG personnel arrested former TJJD Youth Development Coach Royce Cornelius Doak for Official Oppression in Cooke County. The arrest stemmed from an incident which occurred on February 11, 2021. During that incident, former Youth Development Coach Royce Doak is alleged to have choked an offender at the Gainesville State School by grabbing the offender by the neck with both hands and leaving red marks. This case will be forwarded to the Special Prosecution Unit for consideration.

On February 25, 2021, the Office of the Inspector General received an allegation of Serious Physical Abuse emanating from the Lake Granbury Youth Services facility. Lake Granbury Youth Services provides contract care for county and state offenders. A female resident of the facility sustained a laceration to her chin during a restraint conducted by a staff. The incident occurred when the female resident walked away from the staff member and he responded by immediately grabbing her around the neck, pulled her around, grabbed her arms and pushed her into the door three times and ultimately landed on top of her on the floor. The female resident was taken to the local emergency room for medical treatment. It should be noted the only disciplinary action the staff member received was to be "re-trained" in Handle with Care, which coincidentally occurred on the date his re-certifications training was due. The Abuse, Neglect and Exploitation investigation concluded on March 26, 2021, resulting in a Confirmed finding. The case was referred to the Office of General Counsel on March 29, 2021.